

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF SOUTH CAROLINA  
AIKEN DIVISION

Eddie Ken Crosby, III,	)	
	)	
Plaintiff,	)	
	)	Civil Action No. 1:13-825-TMC
v.	)	
	)	<b>ORDER</b>
Carolyn W. Colvin, Acting	)	
Commissioner of Social Security	)	
Administration, <sup>1</sup>	)	
	)	
Defendant.	)	

Plaintiff, Eddie Ken Crosby, III, brought this action under 42 U.S.C. § 405(g) and 1383(c)(3), seeking judicial review of a final decision of the Commissioner of Social Security (“Commissioner”) denying his claim for Disability Insurance benefits and Supplemental Security Income benefits under the Social Security Act. (ECF No. 1). In accordance with 28 U.S.C. § 636(b)(1) and Local Civil Rule 73.02, D.S.C., this matter was referred to a magistrate judge for pretrial handling. Before the court is the magistrate judge’s Report and Recommendation (“Report”), recommending that the Commissioner’s motion for a remand (ECF No. 20) be granted, and the case be remanded pursuant to sentence four of 42 U.S.C. § 405(g), to the Commissioner for further administrative action consistent with the Report. (ECF No. 24). Neither party filed objections to the Report, and the time to do so has now run.

The Report has no presumptive weight and the responsibility to make a final determination in this matter remains with this court. *See Mathews v. Weber*, 423 U.S. 261, 270-71 (1976). In the absence of objections, this court is not required to provide an explanation for

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<sup>1</sup> Carolyn W. Colvin became the Acting Commissioner of the Social Security Administration on February 14, 2012. Pursuant to Fed.R.Civ.P.25(d), Colvin should be substituted for Michael J. Astrue.

adopting the Report. *See Camby v. Davis*, 718 F.2d 198, 199 (4th Cir. 1983). Rather, “in the absence of a timely filed objection, a district court need not conduct a de novo review, but instead must only satisfy itself that there is no clear error on the face of the record in order to accept the recommendation.” *Diamond v. Colonial Life & Acc. Ins. Co.*, 416 F.3d 310, 315 (4th Cir. 2005) (quoting Fed. R. Civ. P. 72 advisory committee’s note).

After a thorough and careful review of the record, the court adopts the Report and incorporates it herein by reference. The Commissioner’s Motion to Remand (ECF No. 20) is **GRANTED**. Accordingly, the Commissioner’s final decision is remanded pursuant to sentence four of 42 U.S.C. § 405(g) for the ALJ to assess whether Plaintiff meets Listing 12.05B in light of all relevant evidence and, if necessary, to call on the services of a medical expert to determine Plaintiff’s onset of disability.

**IT IS SO ORDERED.**

s/Timothy M. Cain  
Timothy M. Cain  
United States District Judge

Anderson, South Carolina  
March 21, 2013